



# City of Loma Linda Official Report

Karen Gaio Hansberger, Mayor  
Floyd Petersen, Mayor pro tempore  
Robert Christman, Councilmember  
Stan Brauer, Councilmember  
Robert Ziprick, Councilmember

COUNCIL AGENDA: May 25, 2004  
TO: City Council  
VIA: Dennis R. Hallaway, City Manager  
FROM: Pamela Byrnes-O'Camb, City Clerk  
SUBJECT: Minutes of April 19 and May 11, 2004

## **RECOMMENDATION**

It is recommended that the City Council approve the Minutes of April 19 and May 11, 2004.

# Agenda Summary

## City of Loma Linda

### General Plan Workshop

#### City Council and Planning Commission

A workshop of the City Council and the Planning Commission to discuss the policies of the Draft General Plan for the Hillside Mixed Use Land Use Designation was held on Monday, April 19, 2004 at 6:30 p.m. in the Community Room of the City of Loma Linda, at 25541 Barton Road.

#### CITY COUNCIL MEMBERS PRESENT:

- Mayor Karen Gaio-Hansberger
- Mayor Pro tempore Floyd Petersen
- Councilman Robert Ziprick
- Councilman Robert Christman
- Councilman Stan Brauer

#### PLANNING COMMISSIONERS PRESENT:

- Chairman Randy Neff
- Vice-Chair Mary Lee Rosenbaum
- Commissioner Michael Christianson
- Commissioner Shakil Patel

#### PLANNING COMMISSIONERS ABSENT:

- Commissioner Eric Essex

Community Development Department Director Deborah Woldruff introduced Ms. Karen Gaio-Hansberger, Mayor of the City of Loma Linda. Mayor Gaio-Hansberger thanked the City Council and the Planning Commission members for their participation.

Mayor Gaio-Hansberger stated that two members of the City Council, Councilman Brauer and herself, would withdraw from the meeting to avoid any appearance of a conflict of interest, as Mr. Brauer owns property in the South Hills and Mayor Gaio-Hansberger's father-in-law is also a major landowner in the area. She then turned the meeting over to Mayor pro tempore Petersen.

Both members, Brauer and Gaio-Hansberger, left the meeting.

Director Woldruff introduced Mr. Lloyd Zola, consultant for LSA Associates Inc. who gave a brief summary of the issues that would be discussed in the course of the meeting.

Three handouts were provided:

- Land Use Element of the Draft General Plan – Hillside Mixed-Use Designation
- A letter of comment from Welebir & McCune
- A letter from Deer Park, LLC
- A Concept of Proposed Land Use Map – Empire Homes

#### HILLSIDE MIXED USE LAND USE DESIGNATION

Director Woldruff explained that the purpose of the meeting was solely to discuss the Hillside Mixed-Use designation in the South Hills.

Mr. Zola stated that two major issues have emerged through the discussion at workshops and public hearings, as follows:

- 1) The slope density formula for the South Hills in the Draft General Plan and the need to address both the steep slopes and the flat lands that exist there;

2) Density in the South Hills should be determined on a case-by-case, project specific basis rather than through the use of the maximum density as stated in the Draft General Plan, which would not be guaranteed. The style of development would also be a factor in the determination of the number of units that would be allowable. For example, what people see from the valley is important because project could be built behind the hills. An environmental approach to protect delicate habitat, and rural life styles with scattered properties would all be studied on their merits and appropriate densities would be determined.

He added that no large-scale projects would be permitted along the primary ridgelines, or structures that could be seen against the skyline.

The type of development that would be allowed should respect the following criteria:

- Minimize the obtrusiveness of the structures
- Use clustering on less sensitive sites
- Use contour grading on undulating slopes to soften flat grading
- Use of a variety of lot shapes and sizes

The letters of comments that were received during workshops and public hearings related to the last three issues on the above list.

Mr. Zola concluded by saying that the purpose of the workshop was to identify the direction that the General Plan should take. Director Woldruff added that the Hillside Mixed-Use land use designation policies in the Draft General Plan reflect the comments that were received during the many workshops.

Mr. Chris Taylor, representative of Empire Homes, presented a brief statement and provided the audience with a background of the company and the projects that they have realized over time. He stated that his major concerns in reading the Draft General Plan were that there were no roads that accessed the South Hills area, the grading policy was unclear, and that there was no infrastructure in the area.

Mr. H. Gene Hsieh, architect for Empire Homes presented a possible concept project, Empire Ranch, for the hills. The major elements of the project were:

- Quality Planned Community
- Trail system and enhanced recreation opportunities
- Mixed housing types
- Respect of the Hillside Initiative
- Protection of the view from the valley floor.

Mr. Hsieh explained that the concept project would be accessed from Oakwood Avenue to the west of the City, and the main features would be:

- Entry Park with pocket parks and tot lots with linked trails
- Community identity with landscaped slopes
- Diverse neighborhoods
- Pockets parks
- Network of trails along streets and sloping to tie the plan together

The following issues were discussed:

- Open Space, pocket parks, other acreage in the Hillside Conservation area
- Environmental/Habitat concerns
- Topography
- Fault Line
- Grading of the hillside
- Clustering and conservation easement for open space
- Density transfer

Mr. David Saunders, Legal Counsel for Empire Homes addressed the two bodies to explain that this type of project would attract new businesses and their staff, and would improve the demographics in Loma Linda. He identified the following concerns that should be considered by the City Council and the Planning Commission:

- Defined sufficient density parameters for amenities

- Compensation for density in regards to parks and open space
- Use new development to improve traffic and circulation in the area
- Public Financing in return for pledges of land to provide parks & traffic improvements

Mr. Leroy Hansberger, property owner in the South Hills, addressed the City Council and the Planning Commission to state that in his opinion, clustering is not necessarily a good mechanism for the development of the hills. However, a trade of property on the north slopes and south hills into the hands of the City to control in exchange for land behind the ridge that is not in the Initiative Area to develop, would better accomplish the conservation of valuable open space.

Mayor Pro Tem Petersen called a brief intermission at 8:05 pm.

The meeting resumed at 8:15 pm.

Mr. Glenn Elssmann of Deer Park LLC made his presentation to explain his vision of the not the goals and objectives of the Land Use Designation for the South Hills. He discussed the following issues:

- Access roads for the south hills via Oakwood Drive, and Welebir and Richardson Streets
- Grading – slope analysis in the General Plan
- Primary ridge lines – Some are very wide to provide amenities and development
- The possibility of a variety of development types such as detached homes or a villa type project with high density

Mr. Elssmann pointed out the constraints to development as being the power lines, biological resources, terrain and earthquake faults.

Mayor pro tempore Petersen discussed the issue of the land on the east side, which is not in the City limits, from Whittier Avenue and east in regards to the land use designation that would apply to the initiative area south of the fault. Director Woldruff explained that the land had been identified and would take on the designation of the surrounding property.

Mayor pro tempore Petersen suggested that a map with the toe of the slope would be useful in identifying the ridgelines, which could and could not be developed.

The public comment period was opened at 8:50 pm.

Mr. Hale Paxton, 26101 Mission Road in Loma Linda addressed the panel to state his concerns regarding the visibility of developments that may be approved for the south hills and suggested that reference points other than the downtown location be added to the Draft General Plan.

Mr. Jonathan Zirkle, 24247 Barton Road, Loma Linda discussed the following issues:

- Wildlife habitat characteristic to the South Hills and what would happen if development were to occur
- Public Financing – He stated that he was not in favor of it because it would not benefit the public

He concluded his statement by saying that the hills should remain public and that any development that is approved should remain compact to allow other uses for the general public.

Mr. Miguel Rojas, 25547 Orange Crest Way, Loma Linda discussed the impacts of any development such as amenities, circulation, water run-off, and earth movement.

Mr. Doug Goodman, 2079 Sky View Drive, Colton CA covered the following issues:

- The enhancement of the enjoyment of the Loma Linda hillside
- The opportunity to develop a prestigious community
- The need for flexibility in the implementation of guidelines to achieve goals and preserve objectives

Mr. Victor Miller, Loma Linda resident stated that the increase in population and circulation was inevitable but as long as it was approached with caution, development could make the south hills an even nicer place for the public.

Mr. Wayne Isaef, of Loma Linda voiced his concerns about a four-lane road that would traverse Hulda Crooks Park and stated that he would oppose that type of proposal.

Ms. Jan Zumwalt, 11730 Martin Street, Loma Linda stated that people had moved to the Loma Linda Area for its serenity and calm which would be lost if the south hills were over developed. She continued to say that she would favor development of the type seen in the San Francisco area.

Mr. Zola summarized the discussion and pointed out the three major issues:

- Density
- Signature ridges to be added to the map
- Toe of the slope for the generation of allowable density

He added that he would revise the Hillside Mixed-Use designation and identify three areas for the calculation of density:

- 1) Initiative Area where there would be no changes to the density
- 2) North area using the toe of slope for determination and would be a low density
- 3) North of the slope area to be two units per acre. This density would be identified on a project-by-project basis and would not be a guaranteed determination.

Mayor pro tempore Petersen explained that development on properties in the Initiative area could not occur with the current criteria and that properties in the Initiative area would have to be consistent with any new provisions that would be determined for the area.

Director Woldruff concluded the meeting by thanking Mr. Zola for his presentation, and those in attendance for their participation. Ms. Woldruff stated that the changes would be and brought forward as a proposal to the Planning Commission prior to the General Plan Project being scheduled for review and adoption by the City Council.

Meeting was adjourned at 9:20 pm.

Agenda Summary adopted at the regular Planning Commission meeting of May 5, 2004.

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Administrative Secretary

City of Loma Linda

City Council Minutes

Regular Meeting of May 11, 2004

A regular meeting of the City Council was called to order by Mayor Hansberger at 5:30 p.m., Tuesday, May 11, 2004, in the City Council Chamber, 25541 Barton Road, Loma Linda, California.

Councilmen Present:	Mayor Karen Gaio Hansberger Mayor pro tempore Floyd Petersen Stan Brauer Robert Ziprick
Councilman Absent:	Robert H. Christman
Others Present:	City Manager Dennis Holloway City Attorney Richard E. Holdaway

**CC-2004-053 – Closed Session**

- a. Conference with Legal Counsel and Real Property Negotiator (Government Code Section 54956.8)

Property:	City-owned acreage south and westerly of the prolongation of Mt. View Avenue
Negotiating Parties:	Dennis R. Holloway, Leroy Hansberger representing H & E LaCresta, Inc.
Under Negotiation:	Price and Terms of Payment
- b. Conference with Legal Counsel – Anticipated Litigation – One Case (Government Code Section 54956.9(b) – A point has been reached where, in the opinion of the legislative body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency
- c. Public Employee Performance Evaluation (Government Code Section 54957) – City Attorney

The City Council immediately recessed to consider the closed session items as listed, and reconvened at 7:06 p.m. with all members present except Councilman Christman. City Attorney Holdaway announced that, relating to Item “a”, the City Council met with Legal Counsel and its Negotiator and gave direction; Item “b”, the City Council met with Legal Counsel and gave direction. There was no final action to report. Item “c” was continued to the next meeting.

Mayor pro tempore Petersen led the invocation and Pledge of Allegiance. No items were added or deleted, nor were any public participation comments offered upon invitation of the Mayor.

**Scheduled and Related Items**

**CC-2004-054 – Proclamation – Emergency Medical Services Week May 16-22, 2004**

Director of Public Safety Crawford expressed appreciation for the cooperative working relationship of the employees of American Medical Response and Loma Linda’s Firefighter/Paramedics. Representatives of AMR complemented the City in its efforts to establish and support the Paramedic Program

Mayor Hansberger then presented the Proclamation to AMR representatives.

**CC-2004-055 – Public Hearing – Appeal of a Planning Commission Decision relating to Small Project Application No. 03-06 to require the removal of an existing driveway and approach on Mission Road, which is part of the approval for a garage conversion, construction of a new two-car garage and room addition at the rear of the property located at 25806 Mission Road**

The public hearing was opened. Orchid Gile, owner of the subject property, addressed the City Council, stating that her elderly mother’s friends used the driveway when transporting her mother and if the driveway was removed, her friends would be required to park on Mission Road which she felt was not as safe as using the driveway. She asked that the driveway be retained, even on a temporary basis

Director of Community Development Woldruff presented the report into evidence, stating that the appeal request also included a request to waive the appeal processing fees. She noted that at the time the appeal

was submitted to the City, the appeal fee was \$800. Since that time, the fee for single-family residences was reduced to \$100 for each of the Planning Commission and City Council. Therefore, she recommended that the appeal fee be reduced for the subject appeal to \$200.

Mrs. Woldruff went on to say that Staff approved the Small Project Application for a garage conversion, a new garage and a room addition, with the condition that the existing driveway be removed and that a new driveway be located on Oak Street to access the new garage. She explained that it is policy that single-family houses are accessed by one approach and one driveway; that parking spaces are not to be within the front setback.

She noted that Mrs. Gile was informed that the driveway was to be removed as a condition of approval. She then recommended that the driveway be removed, landscaping and lawn be placed in the front yard, and that the fee waiver request be denied.

In response to questions, she suggested that a walkway be installed from the front porch to the face of curb on Oak Street to assist the mother and friends to safely access the driveway and vehicle.

No other public testimony was offered and the public hearing was closed. Extensive discussion ensued.

**Motion by Brauer, seconded by Ziprick and unanimously carried to uphold the decision of the Planning Commission. Christman absent.**

**Motion by Ziprick, seconded by Petersen and unanimously carried to reduce the appeal fee to the current fee of \$100 for each appeal to the Planning Commission and City Council for a total of \$200. Christman absent.**

**CC-2004-056 – Consent Calendar**

**Motion by Petersen, seconded by Ziprick and unanimously carried to approve the following items:**

The Demands Register dated April 30, 2004 with commercial demands totaling \$93,841.81.

The Demands Register dated May 11, 2004 with commercial demands totaling \$2,208,538.66 and payroll demands totaling \$178,245.85.

The Minutes of April 13 and 27 as presented.

The April 2004 Treasurer's Report for filing.

Council Bill #R-2004-13.

**Resolution No. 2322**

A Resolution of the City Council of the City of Loma Linda, County of San Bernardino, California, initiating proceedings for the annexation of territory to the Loma Linda Landscape Maintenance District No. 1, as Annexation No. 63, Tract No. 16341, determining that these proceedings shall be taken pursuant to the Landscaping and Lighting Act of 1972 and the Right to Vote on Taxes Act, preliminarily approving the Engineer's Report, and declaring the City's intention to order the annexation, and offering a time and place for hearing objections thereto

Council Bill #R-2004-14.

**Resolution No. 2323**

A Resolution of the City Council of the City of Loma Linda, California, authorizing a loan to the Loma Linda Redevelopment Agency in the sum of \$330,000 to complete property acquisitions in fiscal year 2003-2004

An Agreement with Best, Best & Krieger LLP for services relating to Noel Christensen and Citizens Alliance of Loma Linda ("CALL") v City of Loma Linda and City Council of Loma Linda, Case NO. SCVSS 106980.

**New Business**

**CC-2004-057 – Council Bill #R-2004-16 – Approving an expenditure plan for Measure I funds**

Cheryl Donahue of SANBAG addressed the City Council, stating that Measure I funds have benefited and will continue to benefit the residents of Loma Linda, in that Measure I funds were used for the widening of the I-10 Freeway, Anderson Street/Tippecanoe improvements; Mt. View/I-10 Interchange improvements, as well as local projects, such as the Barton Road improvements.

She went on to explain that continuation of Measure I, the one-half of one percent sales tax for transportation improvements in San Bernardino County, would provide the City of Loma Linda with \$13.3 million over the next 30 years for local street projects. Since the approval of Measure I in 1978, Loma Linda has received \$2.5 million for roadway/transportation improvements within the City. The measure to continue the one-half of one percent sales tax for transportation improvements qualified for the November 2004 ballot and required a two-thirds vote of San Bernardino County voters in order to continue to provide revenue to the City for improvements related to transportation.

Mrs. Donahue added that federal and state dollars were diminishing at a rapid pace and without federal and state funding, continuation of Measure I was of utmost importance to cities as well as the County.

Director of Community Development Thaipr asked that the Council Bill approving the expenditure plan for expected revenues from the continuation of Measure I funding be adopted.

**Motion by Ziprick, seconded by Petersen and unanimously carried to adopt Council Bill #R-2004-16. Christman absent.**

**Resolution No. 2324**

A Resolution of the City Council of the City of Loma Linda, approving the Expenditure Plan for the revenues expected to be derived from the proposed continuation of Measure I

**CC-2004-058 – Council Bill #R-2004-15 – Adopting the Emergency Operations Plan**

Director of Public Safety Crawford distributed the updated Emergency Operations Plan, explaining that state and federal governments mandated the Plan and that the Plan included areas of responsibility based upon the types of emergencies encountered. The Plan would also include a Terrorism Annex and a Citizen Corps Annex.

He also stated that the Plan included a Letter of Government Promulgation, which determined the continuity of government in case of emergency. He then recommended that the Emergency Plan be adopted.

**Motion by Petersen, seconded by Brauer and unanimously carried to adopt Council Bill #R-2004-15, including the annexes. Christman absent.**

**Resolution No. 2325**

A Resolution of the City Council of the City of Loma Linda establishing the continuity of Government under emergency operations conditions

**CC-2004-059 – Council Bill #R-2004-17 – Opposing Senate Bill No. 744 (Dunn) which would give the California Department of Housing and Community Development (HCD) the authority to overturn local land use decisions through an appeal process**

Director of Community Development Woldruff introduced the item, stating that the League of California Cities opposed SB 744, and requested that cities also oppose the Senate Bill. She explained that SB 744 would give the State Department of Housing and Community Development the authority to overturn local decisions relating to land use and would basically transfer local land use decisions to HCD.

She then recommended that Council Bill #R-2004-17 be adopted, opposing SB 744 and supporting the League of California Cities position, and that letters be written to the local Assemblyman.



**Motion by Petersen, seconded by Ziprick and unanimously carried to adopt Council Bill #R-2004-17 and to direct Staff to draft letters for the Mayor's signature opposing SB 744.**

**Resolution No. 2326**

A Resolution of the City Council of the City of Loma Linda, opposing  
SB 744 (Dunn)

**Reports of Councilmen**

Mayor pro tempore Petersen stated that the Loma Linda University Church was undergoing major renovations, and church leaders asked him to personally convey thanks to the Planning Staff and the City for the excellent working relationship relating to the project.

He also stated that May 12 was Legislative Action Day in Sacramento and in relation to that, he was part of a telephone conference call with representatives of the League of California Cities pertaining to a measure that qualified for the November 2004 ballot that would protect local government funds from being taken by the State to balance its budgets or pay its deficit. He noted that Governor Schwarzenegger opposed the measure, but indicated he would support it only if the cities allowed the extraction of local funds for at least two more years to reduce the State's deficit. Mayor pro tempore Petersen indicated that it was the League of California Cities present position to gain the Governor's support of the measure, which would require the State to pay the cities back. He also stated that major donors were not willing to monetarily support the measure unless it had the Governor's support.

He noted that Councilmen Ziprick and Christman would be attending the League of California Cities meeting and the Legislative Action Day in Sacramento.

Mayor Hansberger announced the ribbon cutting ceremony for the Easement Trail Park at 5:00 p.m., Thursday, May 20.

Councilman Brauer commented on statistics contained in the Emergency Operations Plan.

The meeting adjourned at 8:18 p.m.

Approved at the meeting of

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City Clerk